

COMMISSION CONFERENCE**NOVEMBER 6, 2001**

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Present: Mayor Naugle
Commissioners Hutchinson, Katz, Smith and Moore

Also Present: City Manager, City Attorney, City Clerk and Police Sergeant

I-A – Employment Issues**I-B – Personnel Policies and Procedures**

A presentation was scheduled by *Judge Henry Latimer*, consultant, regarding his report on the investigation of complaints regarding employment practices in the City. The City Manager noted that the Report of Investigation had been distributed to the Commission. He explained that Judge Latimer had been asked to look into two specific issues. The first was whether the allegations contained in affidavits submitted by the former EEO Director were still valid in her mind or in terms of the rest of the organization. He had also been asked to examine the City's operations as they related to equal employment opportunity and to make any recommendations about how those operations could be improved. The City Manager stated that Judge Latimer would make his presentation, and he would like a subsequent opportunity to provide a response.

At 2:07 p.m., Commissioner Moore left the meeting. He returned at 2:09 p.m.

The City Manager stated that Judge Latimer had taken particular care to ensure confidentiality, so some of his comments and recommendations would be general. He explained this had been done purposefully to avoid the perception that there would be any sort of retaliation in terms of those who had been interviewed. The City Manager hoped the Commission would bear in mind that this had not been discussed previously although the press had submitted questions. He also stated that Judge Latimer had committed to speaking with top managers and those who served the City in a supervisory capacity with regard to his report.

Judge Latimer said his investigation had started in July and had been concluded in early October. He advised that the report on the Yolanda Cowart complaint was comprehensive in terms of the steps that had been taken and the conclusions reached. Judge Latimer pointed out that, for the most part, the interviewees had little or no first-hand knowledge of her complaint. He said he had been unsuccessful in getting Ms. Cowart or her Attorney to be specific as to the actual nature of the complaint. However, based on various documents and interviews, he understood one of her complaints had been that the City Manager condoned interference into the investigative process. Another had been that certain managers interfered with EEO investigations; and, she had indicated she was ostracized for resisting management efforts to interfere with investigations she was conducting under anti-discrimination laws.

Judge Latimer reported that he had conducted over 100 interviews, and there had still been people wanting to talk after the investigation had been closed on October 5, 2001 by time constraints. He said numerous calls had been received that they wanted to give an interview but had been told not to participate by their unions, or they feared their supervisors would find out. Judge Latimer had not been concerned with interviewing anyone if they felt any kind of compulsion or coercion because he had wanted them to be open and candid. He said that every employee had been notified that an investigation was taking place, and the interviews had lasted from an hour to 2-1/2 hours.

Judge Latimer said the Cowart complaint was unsubstantiated. He noted that if her lawyer had allowed her to participate willingly, the outcome might have been different. Nevertheless, there was no way her complaint could be substantiated. He felt the EEO Office needed to be restructured, which would alleviate some of the frustrations Ms. Cowart might have experienced. Judge Latimer thought a one- or two-person office was antiquated as it left one person as a judge, jury and sentencer, which was how that office had functioned. He explained that this resulted in the EEO Office become an advocate for itself as well as for the employees. Judge Latimer had checked with comparable agencies around the State and the country, and no one approved of that model as being a workable model.

Judge Latimer stated that one of the "bitter pills" municipalities had to swallow was that a functional EEO Office had to be completely insulated from outside interference. He explained that there had to be a mechanism in place to ensure investigation quality nevertheless. Judge Latimer recommended a model, which would include an intake person, an investigator, and an Attorney not connected with the City. If the budget could not accommodate this model, Judge Latimer thought some dual roles would be possible, but at least 5 or 6 people would be needed. He explained that someone would also have to ensure investigations had been thorough before they reached the City Manager. Judge Latimer hoped the City could at least phase in his recommendations if they could not be implemented at once due to budgetary constraints.

Judge Latimer discussed the categories of people that had been interviewed during the investigation. He noted that with the exception of 3 to 5 people, no one had been specifically invited to participate but had stepped forward of their own accord. Judge Latimer advised that there had been an across-the-board sampling of employees. He said the intent had been to determine who was telling the truth, and the Cowart investigation indicated that the charges were unsubstantiated, particularly with respect to the City Manager condoning racism. Judge Latimer stated that the opposite was, in fact, true. He added that the collective response had been that the City Manager was doing a credible job and was not a person who condoned racism.

Judge Latimer said that documentary evidence strongly suggested that the City of Fort Lauderdale was not a racist organization. On the other hand, it was not a perfect City, although no community was perfect. He considered Fort Lauderdale a "work in progress" because there was need for improvement every day, but it was not a City that should be labeled as racist.

Judge Latimer stated that things reported as acts of discrimination had been highly disproportionate to the actual cases on record. He advised that the same cases were being reported over and over again, but with a different “spin” or “twist.” Judge Latimer stated that the number of cases filed since 1998 were not really out of line by comparison to other communities. At this time, there were 5 active discrimination cases, but that was by no means disproportionate for a City of this size. Judge Latimer thought one way to resolve that issue was by not being recalcitrant when there were cases that had merit and resolving them as quickly as possible. Another method was trying those cases in which the City had done no wrong and refusing to be extorted.

Judge Latimer reported that the intent of the Expanded Investigation had been to determine to what extent bad employment practices existed in the City of Fort Lauderdale, identify problem areas, examine existing policies to determine if they were adequate, and provide recommendations about how to address those problem areas. He noted that pages 22 to 25 of the investigation restated what the employees had collectively indicated. Judge Latimer advised that whenever the term “supervisor” or “supervisors” had been used, it should be preceded by the word “certain.” He explained that he said that to negate the inference that all supervisors were guilty of misconduct because the opposite was true. He said there were a great number of supervisors doing a fine job, and he wanted to clarify that only certain supervisors were in question. Judge Latimer said that by and large, certain first level supervisors seemed to the individuals the employees were most concerned about.

Judge Latimer thought one recommendation stood out in the report, and that involved the elimination of the position of Assistant City Managers. He explained that what most of the interviewees missed most of all was someone out in the field, so they could develop a closeness rather than maintain a distance with supervisors. Judge Latimer said that the employees wanted to be able to ask a question of someone who would listen. He explained that eliminating some of the Assistant City Manager responsibilities would allow these supervisors to get out in the field to hear and see what employees were concerned about. Judge Latimer noted that there was a negative aspect in this recommendation in that the City Manager would no longer have the necessary resources to get the job done. Therefore, he recommended a Deputy City Manager, although he was not certain that would address all of potential problems. He was also not certain this model would work all the time without additional direct reports to the City Manager, which would again over burden the City Manager.

Judge Latimer was not sure this recommendation was the correct one or not. He felt it was an idea that should be studied if the Commission wanted to address the feelings of employees in the field. Judge Latimer explained that some employees felt they were being mistreated by certain supervisors and had no one to turn to in order to air those concerns.

Commissioner Smith understood there had been some concern about Judge Latimer’s independence because he had represented the City on some other cases. He thought this report proved that he had approached this investigation in an independent fashion. Commissioner Smith felt he had done a good job.

Commissioner Smith thought it seemed, having read the report, that the identified problems were not based on racial or gender discrimination. Rather, that theme had been mentioned 22 times in the report. Commissioner Smith understood there were some serious problems, but they were not predicated upon race or gender. He was happy that Judge Latimer had not found evidence of that. Judge Latimer agreed the nature of the complaints had been race- and gender-neutral.

Commissioner Smith inquired about the demographics of those interviewed. Judge Latimer advised that there had been across-the-board representation. Commissioner Smith understood the FOPA had requested its members not participate in the investigation, and he found that troubling. Judge Latimer said that was what he had been told by the employees. Commissioner Smith hoped the FOPA would comment on that matter because he felt that was the wrong tact to take when the goal was solving problems.

Commissioner Smith noted that Judge Latimer had referred to certain supervisors, and he understood some of them were still employed by the City. He wondered if certain names had cropped up time and time again. Judge Latimer said that critics of the City Manager were angry because he had not fired certain people who were accused of misconduct before he came to the City. There were also others who might not be known. Judge Latimer noted that the length of service of the employees interviewed ranged from probationary employees through those with 27 years of service.

Commissioner Smith referred to the autonomy of the EEO Office. He could not figure out how it could be autonomous if the City Manager made the ultimate decisions. He wondered if employees in the EEO Office should report to the City Commission. Judge Latimer had explored that possibility, but he thought that would add to bureaucracy and the malaise of that office. He pointed out that although the City Manager rendered the final decisions, he would have nothing to do with the findings of investigations. Judge Latimer felt the City Manager should only get involved in the disposition of a case once the investigation had been completed. He, too, would be prohibited from interfering with the investigative process.

Mayor Naugle thought it could be similar to the situation in which criminal cases were investigated, but the City Manager could not interfere with investigations. Judge Latimer agreed that was correct. He added that the other theme of the report was accountability from the City Manager, to Assistant City Managers, to department heads, and all the way down to the crew chiefs, for example.

Commissioner Smith referred to Civil Service rules. He understood that some first-line supervisors had the protection of Civil Service under the Charter, and he wondered if the exemptions should be enlarged. Judge Latimer thought that was something that could be reviewed.

The City Manager noted that when one discussed people covered by Civil Service, it also involved people covered by bargaining unit agreements. He did not want anyone to think the City would do anything to jeopardize those standings by making many people exempt in order to accomplish another end. He was sure that was not what Commissioner Smith intended, and he was sure no one wanted to damage anyone's rights.

Commissioner Katz understood interviews had been concluded due to time constraints. She wondered if Judge Latimer would have reached different conclusions if additional interviews had been conducted. Judge Latimer thought it was reasonable to assume that the solid cast of Yolanda Cowart supporters who, for whatever reason, had decided not to show up. So, the only response he could provide was that the result might have been different if her supporters had participated, but he had only been able to interview those who had volunteered. Commissioner Katz asked if the Attorney General could compel people to speak up. Judge Latimer was not certain. He noted that compelling people by subpoena also had a chilling effect.

Commissioner Katz asked Judge Latimer if he had any indication if the employees he had interviewed had been given copies of the policies that were in place now. Judge Latimer had not raised that question specifically, and that information had not been volunteered to him. However, it was clear that employees had access to such policies.

Commissioner Katz asked if private companies and other communities distributed these policies when employees were hired and perhaps annually thereafter to ensure everyone knew their rights and the process involved. Judge Latimer stated that education and training was important, but the City's policies filled a thick book, so it would be impractical to provide copies to every individual employee. As long as they had access, he felt that was adequate. He noted that employees often visited EEO Offices just to learn about their rights or pose questions, and not necessarily to lodge a complaint. Judge Latimer thought if EEO Officers were patient and listened to employees, half the problems would be eliminated from the start.

Commissioner Moore was happy that Judge Latimer had been selected to handle this process. He had wanted an opportunity to meet with certain members of the community who had concerns, and he suggested hearing from those individuals. He noted that the City's policies in this regard had been provided to these people, and he appreciated them taking the time to review these lengthy policies. Commissioner Moore wished them to make their own presentations to the City Commission rather than speaking on their behalf.

Mayor Naugle asked Judge Latimer if he had received the impression that the employees felt there had been improvements since 1998 when Mr. Johnson had become the City Manager. Judge Latimer said he had received that impression. He said that there were employees who appreciated the fact that improvements had been made over the years and under the leadership of Mr. Johnson. However, staying on top of things was a continuous job.

Mayor Naugle referred to Item 8 on page 23 of the Report. It indicated that minority and non-minority employees concurred that several supervisors at the first, middle and upper levels of City government had committed acts of misconduct significantly more egregious than those attributed to them, and those supervisors had gone without discipline for such misconduct. He asked Judge Latimer if he could provide examples of the types of thing that sentence referred to without naming any specific employees. Judge Latimer did not believe he could do so without breaching confidentiality. He explained that people who worked for government had to live every day as if they would be front page news the next day. Judge Latimer said some of the references he had heard would have violated that basic principle. Mayor Naugle thought it sounded as if some employees were held to one standard, while other employees were held to another standard. Judge Latimer agreed that was correct.

Mayor Naugle referred to Judge Latimer's recommendation of substituting a Deputy City Manager for multiple Assistant City Managers. He asked if that would allow the City Manager to be more hands-on and knowledgeable of what was going on "in the trenches." Judge Latimer explained that it would address two problems. He thought department heads would get a better idea of what went on within their lines of authority, without micromanaging, if they were not also trying to handle the role of Assistant City Manager. He also pointed out that problems started "in the field."

The City Manager advised that he wanted to bring back a response to Judge Latimer's report after hearing from Commissioner Moore's group. He also wanted to clarify that when he had established the three Assistant City Manager's positions, he had given them the dual responsibility of serving as department heads. The City Manager understood Judge Latimer to be indicating that the dual role had created distance with respect to department head roles in some cases, particularly in departments with a large population of employees. He said he had doubled their responsibilities, and it had been pointed out to him that some departments had far more managers early on than they had now even though responsibilities in those departments had grown. Judge Latimer agreed that handling a department with many employees and serving as Assistant City Manager was a very large job.

Commissioner Moore noted that Mayor Naugle had raised his first question about whether or not employees had noticed improvement in the situation since 1998. He was happy to know that they had. Commissioner Moore described the groups that had been represented in his meeting and asked them to provide their comments at this time.

Mr. Kwame Afoh, Pan Afrikan Nationalist Group of South Florida, read a prepared statement aloud. It expressed appreciation for this process, but his group had mixed emotions about being here today and about being brought into the process. He advised that many of his colleagues remained skeptical and suspicious about the purpose of the meetings held by Commissioner Moore. Mr. Afoh explained that there did not appear to be enough history to suggest that the City Commission, nor the City Manager really wanted to resolve these problems of racial and class discrimination.

Mr. Afoh said that these problems had been festering for years, and many knew that the City government had seemingly looked the other way. On the other hand, no one wanted to overlook this opportunity for justice. To date he had not heard any report, including this one, that acknowledged there were any serious problems. Mr. Afoh stated that several State and federal agencies had reached the conclusion that the City did have problems, and none of those agencies had stellar records. Nevertheless, they had reached this conclusion because the City had been so blatant for years in terms of discrimination and unfairness to its employees.

Mr. Afoh asked the City to stand up for what was right like so many others who had made the ultimate sacrifice in the face of mighty odds to be on the correct side of justice and history. He felt the recommendations were somewhat scattered, but he hoped they would include revising City personnel policies and procedures; resolving all outstanding claims of discrimination and/or demotion; and, disciplining anyone who was guilty of or responsible for any discretions committed against City employees.

Mr. Afoh felt effective change was long overdue, and although he was no longer calling for the City Manager's immediate resignation, he thought Mr. Johnson's progress in this respect should be monitored for 60 days. After that time, progress would be assessed and appropriate action taken to resolve these matters. He noted that Mr. Johnson had been the City Manager for three years, and Mr. Lyles had been the City Attorney for almost two decades. Mr. Afoh thought it appeared he had enriched himself and his law firm off the misery of the African/Black community. He felt it was time to end this relationship because Mr. Lyles had not provided the Commission or the City Manager with sound legal advice on these issues.

Mr. Afoh asked the City Commission to audit the City Attorney's Office under Mr. Lyles. He believed it would be in the best interests of the City to call for a vote to remove Mr. Lyles immediately because it appeared he was now a divisive figure in the workplace. Mr. Afoh noted that his group had not offered any detailed recommendations, but they believed that if current policies and procedures were enforced, most of the problems would be resolved.

Mr. Afoh pointed out that the City Commissioners were the only persons directly accountable to the citizens of Fort Lauderdale. He urged them to do their job and act accordingly. He felt that doing less would forever "stain their hands" and stigmatize Fort Lauderdale as one of the worst places to work in Florida and in the United States.

Mr. Francois Leconte, representing the Haitian community, expressed appreciation to Commissioner Moore for inviting him to be a part of this process. He submitted a letter and said he thought the City should hire a consultant to examine the hiring and firing process. Mr. Leconte noted that many minorities worked for the City, and he felt there should be some cultural training put into place. He suggested that goals and objectives be established and the necessary tools put into place to achieve those goals.

Commissioner Moore distributed copies of letters from members of the group, which he had received just before the meeting. He had also received correspondence from Minority Empowerment after October 12, 2001. Commissioner Moore had not distributed copies in case their comments might change between then and now. He noted that there did not seem to be anyone present to representing the NAACP.

Mr. Donald Bowen, of the Urban League, said he had an opportunity to make some detailed remarks and observations before the U.S. Civil Rights Commission on his view of employee relations in Fort Lauderdale. He stated that when Commissioner Moore had asked him to examine the City's employment practices and policies, he had been reluctant because it was difficult for the Urban League to address all the community's needs. Mr. Bowen said that the Urban League was largely a human service organization that operated a number of programs. Nevertheless, he had agreed to speak with Commissioner Moore since he had been critical of the City in the past and felt he should be part of the solution.

Mr. Bowen advised that it had been assumed the Urban League had the expertise on staff to do an adequate review of the City's employment practices and policies. He had not felt the Urban League had staff readily available for that task, and it had its limitations. Mr. Bowen also thought there was some question of objectivity, and it was important that anyone who reviewed these practices had to approach it with a level of objectivity. He had not been sure that he and the Urban League could bring that level of objectivity to the task. Therefore, it had been his recommendation that an independent consultant, with the time, expertise and objectivity to do a competent review was what the City needed. Mr. Bowen had not been aware of the scope of Judge Latimer's review at the time, but it appeared he had done some expanded work. He wanted to read that report before offering an opinion.

Mr. Bowen was concerned by Judge Latimer's comment that Fort Lauderdale was not a racist City. He was not sure how he had determined what a racist City was, or how a community qualified as racist. Mr. Bowen thought his point might have been that he had not found race to be a primary contributor to the City's problems based on the work that he had done, and he would respect his judgment on that. However, he believed America was a racist country, and Broward County was a racist county, as were most institutions. Mr. Bowen felt an independent consultant should review the issues.

Commissioner Moore thanked the three previous speakers and advised there had been several meetings with those individuals. Of the three meetings, each of the speakers had attended at least two of them, so there had been ample opportunities to offer comment during those minutes. Mayor Naugle asked if the NAACP had submitted any correspondence, and Commissioner Moore replied it had not, although Mr. McCormick had attended two of the three meetings. He said that some of the participants had been hesitant to meet with him because they thought he would try to "put a spin on it." Commissioner Moore wanted to assure everyone that he was making no such attempt.

Commissioner Moore said that he had made some suggestions about what should be done in late October. One had been to review the existing personnel policies and procedures and consider any changes. He stated that his group had examined the Personnel Policies Manual, and he had asked the Personnel Department to provide recommendations that had not been approved. Commissioner Moore advised those suggestions had been made by Deborah Lamar as the City's EEO Officer. He advised that he had also requested any recommendations offered by Yolanda Cowart. Commissioner Moore stated that the recommendation from the group seemed to be they felt the expertise of a consultant would be valuable in terms of the Procedures Manual.

Commissioner Moore referred to the EEO Officer reporting directly to the Commission as suggested earlier today by Commissioner Smith. He felt that would be inappropriate. Commissioner Smith thought some oversight on the part of the Commission might be in order. Commissioner Moore did not think any oversight would be appropriate. He did not want to give a false impression that the Commission would have any greater authority to do anything beyond what was described in the Procedures Manual if complaints were made directly.

Commissioner Moore urged an investigation of every claim of discrimination. He noted that Judge Latimer had noted some problems within the system in which supervisors might not be very professional, but there was nothing in the Personnel Manual that would address that situation. He thought there might be some need for training and grooming individuals given opportunities to supervise. Commissioner Moore saw no procedure in the Manual to call such a person up again for training after the probationary period. He thought supervision should be evaluated from the bottom up and well as from the top down.

Commissioner Moore thought there should be mandatory training for anyone promoted into the management ranks with respect to EEO policies and procedures. He also felt it should be completed before the promotion was completed. Commissioner Moore suggested that performance and review of human resources and labor relations be addressed as well.

Commissioner Moore noted that he had kept on hearing the same story with different twists, and everyone had wondered where the elected officials were. He said the reason was that he had information that most individuals did not. Commissioner Moore advised that the information he had received indicated that everyone was really getting the same story told several times in different venues. He stated that the number of different cases was not outlandish, and the allegations seemed to be the same story over again.

Commissioner Moore agreed with Judge Latimer in that cases with merit should be investigated while others should be tried. He noted that the City had an insurance carrier, and sometimes it influenced the process as well. Commissioner Moore thought the City should examine the procedures for handling complaints of a hostile work environment. He stated that since 1998, various individuals had received some opportunity or settlement, including promotions and recommendations about addressing proven wrongdoing. However, he had not seen that when the allegation involved a hostile workplace.

Commissioner Moore felt there should be swift internal review of complaints and, when there was a finding that there had been discrimination, hostility or retaliation, the guilty should be disciplined within a 30-day period. He also thought the disciplinary action should be publicly announced, but he did not think the City Manager should allow complaints to linger for more than 30 days because it gave the wrong impression to the public. Commissioner Moore was particularly concerned about delays in the process. Mayor Naugle added that even if the disciplinary action in one case was a letter in a personnel file, it could demonstrate a pattern.

Commissioner Moore said he had been surprised by some of the comments in Judge Latimer's report. He had always thought this was a racist society, and those in power did not give it up without confrontation. Commissioner Moore pointed out that people did not willingly admit their mistakes as a rule, and he hoped the staff of the EEO Office would be expanded immediately. He also could not believe the City could not find a police officer of Haitian descent.

At 3:35 P.M., Commissioner Moore left the meeting.

Mr. Roosevelt Walters said he had been in Fort Lauderdale for 45 years, and he hoped the Commission would ensure that whatever policies were put in place were practiced. He did not believe it was the City's policies that were at fault, other than their lack of enforcement. Rather, it was the City's practices that were in question. Mr. Walters pointed out that there was hostility among the low-level employees just as there was among supervisors, and he had found today's society filled with cronyism, favoritism and nepotism. He believed those things caused more harm than racism ever had.

At 3:37 P.M., Commissioner Moore returned to the meeting.

Mr. Robert L. Smith referred to Judge Latimer's report. He thought it was clear that if the structure were not properly organized, there would be conflict. Mr. Smith felt workshops and training were good ideas, but proper organization was critical.

The City Manager was appreciative of the time and attention the City Commission had devoted to this issue. He advised that he would consider all the recommendations that had been presented today and present a report and schedule for improvements within the month. The City Manager did not believe this was an issue that would be resolved by a single report or implementation of a few recommendations. Rather, it involved an ongoing process.

The City Manager thought the City was dealing with something this administration had taken very seriously since he had arrived, although he doubted the situation would ever reach a point where there were no issues or concerns. He noted that human beings were prone to mistakes, but he thought improvements could be made through various measures.

The City Manager reported that over 1,700 employees had been put through sexual harassment training, and all of the managers had been through cultural sensitivity training since the Commission had committed the necessary resources. He stated that everyone had gone through EEO training and, as new employees were brought on board, they were trained in these issues. He felt staff should make the community aware of these matters.

As to the actions of certain supervisors, the City Manager thought consideration should be given to upgrading supervisory training and providing it on a remedial basis so employees would stay sharp in that respect over time. He felt there should be a demonstration of the commitment made by the City to provide a respectful and dignified work environment. The City Manager noted that the Attorney General was taking a further look at the City's employment policies and practices, and he thought the City had been thoroughly scrutinized over the past three years and would continue to be in the future. He hoped he had laid to rest the notion that nothing had been or was being done to address these concerns.

Commissioner Hutchinson thought Mr. Walters had "hit it on the nose" when he had mentioned cronyism, favoritism and nepotism. She agreed these -isms existed in the City and, although she did not think Fort Lauderdale would ever have no problems, at least it could reach the point where it had a tried and true process for each and every employee. Commissioner Hutchinson commended Judge Latimer, and she had been assured by many members of the community that he had been the best man for this job. She thanked him for his report and was glad to see that problems could be addressed through some structured process. Commissioner Hutchinson wanted to see the EEO Office restructured as swiftly as possible. She encouraged the City Manager to move quickly.

Commissioner Smith did not think there was anything more important on the Commission's agenda than these types of frank discussions about how members of the community related to one another. He noted that it affected the community at large as well as the workforce. He was concerned about how blacks and whites, men and women, and gay and straight communities related to one another. Commissioner Smith felt it was time to explore these issues, and he had established some goals.

Commissioner Smith thought the issue today was whether or not the City's workforce was appropriate and if people were being treated properly. At the end of the day, he hoped that if the demographics of the workforce mirrored the community. Commissioner Smith believed the City Manager was committed to that goal, and he felt he had made progress in that respect. He thought another goal should be absolute intolerance for any sort of bigotry, racism or discrimination on all fronts.

Commissioner Smith believed the City Manager had acted decisively and quickly when there had been overt cases of discrimination, and he felt citizens had to decide to be personally intolerant of discrimination, racism and bigotry until it was no longer acceptable in society. Commissioner Smith also felt people had to be integrated with one another, geographically, economically and philosophically.

Commissioner Smith knew the City Manager had put new training programs into place, but he did not think the City could ever have enough sensitivity training to help people learn how to react properly to their fellow human beings. He also felt Ms. Cowart's position should be filled very quickly, and restructuring of the EEO Office should be the first thing on the City Manager's agenda. Commissioner Smith thought all employees should have a place to "get things off their chest" in a confidential, easy manner.

Commissioner Katz hoped the community and media understood the Commission was committed to seeing something done about this situation. She also thought it was very important that the community had come to the table to work with Commissioner Moore and express their concerns. Commissioner Katz agreed there should be a professional consultant, although Judge Latimer's report had provided an important "jumping off" point. She was hopeful the Attorney General would provide expertise and recommendations about strengthening and overhauling the City's policies, for everyone and not just the protected classes. Commissioner Katz also agreed that policies looked good on paper, but they had to be carried out at every level.

Commissioner Moore felt the process should deal with all of the -isms as they all contributed to a hostile work environment. He also supported the "no tolerance concept," but he was bothered by an earlier statement indicating that the Union might have discouraged individuals from participating in Judge Latimer's interviews. *Mr. Elgin Jones*, Chief Steward of the FOPA, said that had not happened. He stated that the Union had never made any such recommendation at all. Commissioner Moore thought that demonstrated how perceptions were formed in the absence of fact.

The City Attorney welcomed any objective review of the actions of his office in connection with this or any other problem, and he would continue to try to provide competent, rational legal advice to the City.

Mayor Naugle welcomed an independent review of the City's employment policies, practices and manuals. He had recently discovered that there was no prohibition against supervisors asking their employees to come to their homes on the weekends and do manual labor, for example. He felt there were things that were not addressed by the City's policies, such as employees having relationships with subordinates, and he thought an independent review was in order. Mayor Naugle said he had discovered things he could not believe were still taking place in this day and age in Fort Lauderdale, although he would have thought common sense would prevail.

Mayor Naugle noted that zero tolerance for discrimination had been mentioned. He thought that would be great if it was done on all levels so people at the top were treated the same way as those at the bottom "of the rung."

Judge Latimer felt that having an employee work on someone's house on a weekend was an example of poor judgment, as opposed to discrimination. As to his general statement that Fort Lauderdale was not a racist City, he felt that would be the case if decision-makers were insensitive to or ignored problems. However, that was not the case with respect to the City Commission, and he had not seen that level of inattention by this body. Judge Latimer did not believe the goal of zero tolerance would ever be reached, but as long as the City was trying to address the issues, he did not feel Fort Lauderdale was a racist City.

Mr. Afoh was not sure Judge Latimer had been objective in his report since he had received compensation from the City. He felt the primary problem of the 20th Century was the "color line."

Action: City Manager to provide response and recommendations.

At 4:10 P.M., the meeting was recessed. It was reconvened at 4:17 P.M.

I-C – National Golf Foundation Feasibility Study for the Wingate Landfill Site

A presentation was scheduled on the feasibility study conducted by the National Golf Foundation for the Wingate Landfill site. Mr. Greg Kisela, Assistant City Manager, introduced *Mr. Richard Singer*, of the National Golf Foundation.

At 4:19 P.M., Commissioner Hutchinson left the meeting. She returned at 4:21 P.M.

Mr. Singer introduced *Mr. Roy Case*, an Architect who had assisted on this project. Mr. Singer explained that he had been asked to conduct some research about the feasibility of constructing a golf facility of some type on the Wingate Landfill site. He advised that a complete feasibility study had been submitted. Mr. Singer described his background in this field, and one of the first things to consider was why municipal golf courses failed. He had found many different reasons around the country, but in every case, no feasibility study had been performed before commencing the projects. So, he commended the City on taking this very important first step.

Mr. Singer stated that this report basically summarized the market environment for golf in this area, the potential demand for a facility of this type at this location, and how much revenue could be generated. He advised that if the City built this type of facility on the Wingate site, he believed the revenues generated would support the facility after four or five years. However, the revenue generated would probably not be sufficient to sustain capital expenditures for the facility. Mr. Singer explained that the revenues would ultimately keep it going for the community, assuming considerable play at reduced or no fee, but they would not fund capital costs.

Mr. Case described a conceptual design for a driving range and a 9-hole, par 3 course. He believed that 6 holes could be sold as a recreational package as well, and the driving range would be standard. Mr. Case advised that a putting green near the clubhouse was a necessary amenity, and a teaching and practice area had been included. In addition, an 18-hole putting course provided a starting point for non-golfers to enjoy the facility and become part of the golf community. Mr. Case felt these amenities provided for a variety of interests in a nice facility that could be enjoyed by good golfers as well as beginners.

Mr. Case said he had been asked to leave an area for a public building, so a 1-1/2 acre site could accommodate a building with adjacent parking. He believed everything worked from a site planning perspective, and 35 to 40 golfers could be practicing at one time. Mr. Case felt this presented a balanced and attractive package. He noted that the land could accommodate an 18-hole course, but it would require too much safety netting and would be cramped. Mr. Case did not feel that would be worthwhile because atmosphere was part of the enjoyment of golf. He felt a 9-hole course would be more attractive, safer and present fewer insurance problems. Mr. Case considered this a very workable project.

Mayor Naugle asked how many “twin 6” golf courses there were. It was a rare concept, but he had seen it from time to time. Mr. Singer had seen a few in Pennsylvania. Commissioner Smith knew very little about golf, but he was afraid a 9-hole course might be a “white elephant.” Mr. Singer noted that there were 9 holes in one area and 3 in another. Mr. Case explained that this was basically a positive study to show what could be built, and Mr. Singer agreed this was just one option. However, the projections assumed a generic, 9-hole course. He noted that the intent had been to provide a beginning or junior type of golf course, and it was fair to expect that some kind of economic subsidy would be necessary in the first few years of operation.

Mr. Singer stated that golf courses were not the type of investment built for a two or three-year horizon, and he felt construction of this facility would leave a legacy for future Fort Lauderdale residents. Commissioner Smith wanted a golf course for everyone, as opposed to a “white elephant for training.” He thought people would play for years to come if it were a real golf course. Mr. Kisela advised that there was a 40-acre site to the north of the Wingate site. Mayor Naugle agreed an 18-hole course was necessary. Mr. Kisela said that staff could continue to explore the possibilities.

Mayor Naugle wondered what the regulatory agencies had to say about the safety of people playing golf on the Wingate site. Mr. Kisela said that now that the site had been capped, the chances of contracting cancer were one in a million. Mr. Case advised that most of the courses he had designed had been placed on former landfills. In fact, there were about 75 in the country that had been constructed over the past 45 years.

Commissioner Smith wondered about the possibility of obtaining some funds from the County through its Recreation Bond Issue. Mr. Kisela advised that staff would seek grant funding to help make this work, although he did not think County funding was likely. Commissioner Smith did not believe Fort Lauderdale had asked for anything from the park side of the County bond issue. Mayor Naugle pointed out that this could serve as a regional facility in the center of the County. Commissioner Katz thought the County could build the golf course, and Commissioner Smith felt the City could manage it. Mayor Naugle believed it could work whether it was operated by the City or the County.

Commissioner Katz was concerned about greens maintenance. She understood the greens had to be redone every ten years or so. *Mr. Richard Green* advised that maintenance had been accounted for in the pro forma. In fact, an aggressive maintenance schedule had been included.

Commissioner Moore thought it appeared everyone felt there were possibilities of reusing this site for golf purposes. He advised that he and Mr. Kisela had met with the owner of the properties just north of the Wingate site to express interest, and the possibilities had been discussed. He wanted staff to explore that idea, but he did not want anyone to think that if the County would not provide any funds, the concept would not be furthered. Commissioner Moore wanted to explore all possible funding opportunities. Commissioner Smith suggested a formal resolution. Commissioner Moore agreed a resolution directed toward the County Commission was a good idea, along with this report and what could occur if the additional 40 acres were acquired.

Commissioner Moore recalled that not only had this been discussed as a training facility for golfers, but also in other fields such as turf maintenance, culinary arts and operation of the golf shop. He thought it could be used by the high schools to train their golf team members, and there could be methods of getting other agencies to use the facility.

Mr. Robert Smith, Co-Chair of the Wingate CAC, felt this was a wonderful opportunity for the community, which had been waiting for change for 30 years. He was hopeful that something like this could bring value and beauty to the community and the City at large. Mr. Smith thought this would also provide the grass roots raw materials for the culinary arts and other training programs. He believed the Community College and various technical schools would want to play a role as well, and he hoped his grandson would find opportunities at this site.

Ms. Denise Cobb, of Second Chance, said she was a member of this community, and she had thought this site would provide something for the community. However, none of her children was interested in a golf course. Ms. Cobb pointed out that people had lost their lives because of this landfill, and she felt a golf course was being “sneaked in” with the idea that it was for area children. Ms. Cobb recalled some of the people she had lost because of the landfill, and she felt the community should benefit from it now, but no one wanted a golf course.

Commissioner Moore understood Ms. Cobb’s frustrations. He stated that the methodology used to cap the site had raised many fears, and the situation had involved a 15-year process. He acknowledged that the area surrounding this site had the highest cancer rate in the State, and he was personally familiar with the impacts. However, the site had been closed for over 20 years. He believed the greatest danger had occurred by leaving the site dormant so the rain could wash the chemicals into the aquifer. Now that the site had been capped, Commissioner Moore wanted to find an appropriate reuse.

Commissioner Moore pointed out that Mr. Smith represented the Community Advisory Council (CAC), which met every month so residents would be kept informed about the capping and reuse process. He stated that the meetings were held within the community, and he encouraged Ms. Cobb to participate in these meetings. Commissioner Moore advised that before a golf course being recommended, a charette had been held within the community, which had also taken place at Dillard High School. At that time, consensus had been reached that the site should be maintained as an open green space with a recreational use. The CAC had subsequently suggested a golf course, and Broward County had spent a portion of its bond issue to acquire 97 acres of land just east of the Swap Shop on Sunrise Boulevard. That would be a recreational park, and the CAC felt it would be duplicative to have two such parks within walking distance of one another.

Ms. Cobb questioned the effectiveness of a cap, which appeared to be nothing more than a large garbage bag. Commissioner Moore reported that the cap had been used in 90% of the landfills closed throughout the nation. It had a proven record of success, and a great deal of time and effort had gone into selection of the closure process. Commissioner Moore acknowledged the concerns, and he pointed out that the site would continue to be monitored and health assessments conducted.

Commissioner Moore pointed out that the report suggested that 10% of the use of a golf course would be offered at no cost. Mayor Naugle believed it was 20%. He noted that it would be a public facility, as opposed to a members-only facility. Commissioner Moore added that training opportunities would be provided.

Another member of the community stated that most of the residents in the surrounding community favored a golf course on this site.

Mayor Naugle noted that staff’s recommendation was to pursue various funding sources. Commissioner Katz wondered if there would be a cost associated with that effort. Mayor Naugle believed so and understood it would be covered by the Sanitation Fund. Commissioner Smith did not think any new dollars would be necessary.

Commissioner Katz was not in favor of pursuing a golf course unless the County was willing to fund it. She preferred to simply sod the site rather than spending many City dollars at this time while there were so many priorities. Mayor Naugle believed there was a cost involved in maintenance of sod, while a golf course could support itself. Mr. Greg Kisela, Assistant City Manager, acknowledged that sod maintenance would cost \$100,000 to \$150,000 per year.

Action: As discussed.

At 5:01 p.m., the meeting was recessed for an executive closed-door session regarding litigation strategy in connection with the following case: Joseph Corsaro v City of Fort Lauderdale (Worker's Compensation Claim WC-98-10105). The meeting was reconvened at 5:10 p.m.

II-F – Holiday Decorations

A status report was presented on a proposal for enhancing holiday decorations throughout the City. The City Manager said this issue had been prompted by a visit to Boston on the parts of several Commissioners. He noted that this matter related to Winterfest, and he introduced *Ms. Lisa Scott Founds*, of Winterfest to make a presentation.

Ms. Founds said she had been working with other organizations in an effort to connect the Performing Arts Center to the Las Olas Bridge with holiday decorations. At present, the mission of Winterfest was to decorate the bridge. She pointed out that the ultimate goal was to decorate all of the bridges, particularly in light of the fact that the Winterfest Boat Parade was broadcast on television along with the Christmas on Las Olas event.

Mr. Stan Cohen, of Winterfest, explained that the intent was to light up as many things as possible, beginning with the Las Olas Bridge. He stated that an initial budget of \$20,000 had been established, and that had involved fiber optic lighting. However, in order to make it work this year, a scaled-back proposal had been formulated at a cost of \$6,000 to \$7,000 for this bridge. Ms. Founds considered it a "microcosm" of something for the future.

Commissioner Smith said he would like to try to raise half the funds privately. Commissioner Hutchinson agreed this was affordable for a corporate sponsor, and she thought there was enough new development on the beach that a contribution from each developer of \$2,000 would be sufficient. She did not feel it would be necessary to use City funds. Commissioner Hutchinson had seen a Citywide concept in Boston, but she really wanted to showcase Riverwalk. She was confident area developers would pitch in toward that end with the help of Riverwalk, Inc., the Performing Arts Center, and various other participants. She felt corporate sponsors should be found for the bridges before the City considered funding them.

Commissioner Smith pointed out that more people saw the bridges than saw Riverwalk. Commissioner Moore thought staff had "dropped the ball," because they had left out a significant segment of the community. He pointed out that no one had addressed the uptown or midtown business areas and had only considered one sector of the City. Commissioner Moore was appalled that this was even being discussed when the Commission was considering cutting programs that helped people. He did not think it was appropriate to consider spending \$100,000 for a lighting program. Commissioner Moore agreed that there were many companies that could sponsor a bridge, and it would be wonderful to showcase Riverwalk for the holidays. However, he felt there should be more happening on the Riverwalk at night before exploring this idea.

Commissioner Smith felt that looking great during the holidays was one of the things that made a community great, and he was ready to take this on himself. He intended to make an effort to raise funds for the Las Olas bridge, and he hoped each Commissioner would select an area to focus on. It was agreed that each Commissioner would seek corporate sponsors for decorations.

Mayor Naugle did not think there was support for funding this year, but he felt the City should have a goal of providing the electrical outlets in the different areas so the different community groups would have something to work with. Mr. Greg Kisela, Assistant City Manager, stated that staff's estimate on electrical costs was substantial. He added that staff's intent was to ultimately examine the idea comprehensively without ignoring any particular areas.

Action: Commissioners to seek private sponsorships for holiday decorations as discussed.

I-E – 2002 State Legislative Agenda

A discussion was scheduled on the City's proposed issues for the 2002 State Legislative Agenda. Mr. Bud Bentley, Assistant City Manager, referred to the first table on page 1 of the back-up memorandum. He advised that Items 4 and 11 on that list had been withdrawn, and the Table of Contents contained in Exhibit 1 was correct. Commissioner Smith wanted to also delete Items 2 and 7 from Exhibit 1. There were no objections.

Mayor Naugle understood the Urban League wanted a Community Resource Center. Mr. Bentley explained the Urban League was only seeking the City's support for State funding of a Community Resource Center in the amount of \$1.4 million. Mayor Naugle believed it also referred to a matching contribution of land from the City. Commissioner Moore understood only support for a grant application was being sought. Mr. Bentley agreed that was his understanding. Commissioner Smith thought it would have been helpful to receive some sort of briefing about this facility. Mayor Naugle suggested that any reference to an in-kind donation be deleted. There were no objections.

Commissioner Smith noted that CRA legislation was very important. Mayor Naugle agreed and indicated that the Urban Partnership was watching that issue. Commissioner Moore wanted to make sure the municipal tax exemption issue described on page 34 was a top priority. Mayor Naugle agreed. He noted that a County golf course, for example, would be tax exempt while a City golf course might not.

Mayor Naugle wanted to add an item to the Legislative Agenda with respect to Homeland Security. He had received a letter from Mayor Hood, of Orlando, who had been appointed to a Statewide committee in this regard. It appeared there would be expenditures incurred for additional security at the Executive Airport or water treatment plants, and the question was whether it should come from the FAA or the State. Upon questioning by Mr. Bentley, Mayor Naugle advised he was referring to capital expenditures as well as operational costs for increased security. The City Manager felt those types of efforts should be recognized as funding opportunities became available. In fact, extraordinary expenses incurred by the City were being tracked.

Ms. Linda Cox, Lobbyist, stated that a bill had gone through the House during the past session that had not been adopted by the Senate. However, she believed the issue would come again in the next Special Session scheduled for the end of November. She explained that would allow the Airport to use funding for security. Mayor Naugle wondered if that would help with some of the things staff was trying to fast track at the Airport. Mr. Bill Crouch, Airport Manager, advised that it would. In fact, there was an item on this evening's agenda relating to a Joint Participation Agreement (JPA) for a drainage project, and the legislation would allow redirection of funds to security efforts and waive the local matching share.

Mayor Naugle noted that there were extra expenses associated with security at the water plant. He asked Ms. Cox to prepare a letter for his signature asking that the City's concerns be included in the effort by Mayor Hood's Committee.

Commissioner Moore referred to the CRA. He wondered if there was some way to encourage the County Commission to address tax increment financing with respect to the Konover site. Commissioner Moore pointed out that Fort Lauderdale had annexed a portion of that site, and the County Administrator was trying to change legislation with respect to CRAs. He hoped the County Commission would address it at its next meeting.

Commissioner Smith pointed out that expansion of the CRA had been in process for over two years, and the County was supposed to consider it in September. It was his understanding that the County Commission had not taken up the subject, and he did not know why. He wanted an effort made to get that issue before the County Commission. Ms. Cox advised that the CRA, annexation, security, public records for police applications and telecommunications would be the focus of her efforts.

Commissioner Moore inquired about the simplification tax. Ms. Cox said she would be working some workgroup sessions in that regard. She agreed to provide updates. Commissioner Smith understood there would be bills to address the troubled economy, and he wondered if there were any bills being floated that might help the local economy. Ms. Cox recommended identification of any transportation projects that were ready to go because that seemed to be the type of economic stimulant being sought. Mayor Naugle suggested that the 7th/9th Avenue Connector project should be pushed. Commissioner Smith thought 15th Avenue should be considered. Mayor Naugle thought beach renourishment should also be addressed because that affected tourism and now would be a good time to seek funds.

Commissioner Moore recalled criticism last year from Senator Geller because the City had not contacted him, and he suggested consideration be given to legislation proposed for the next session. Commissioner Smith agreed and suggested a luncheon on November 20, 2001.

The City Manager wondered if it would be best to have the luncheon before the special session or wait until afterwards. It was the consensus to have a luncheon after the special session but before January. Mayor Naugle added that Senator Geller felt beach renourishment was important.

Action: As discussed.

I-F – Partnership Committee for Broadview Park and Rock Island Area Annexations

A request was presented from the Broward County Legislative Delegation to appoint one of its members to serve on the Broadview Park and Rock Island Area Partnership Committee, which would consist of one elected official from each potential municipality, as requested by Mayor Naugle. It was the consensus to appoint Commission Moore to the Rock Island Committee and Commissioner Hutchinson to the Broadview Park Committee.

Action: As discussed.

II-A – Parks General Obligation Bond (GOB) Quarterly Report – Third Quarter 2001 (July to September)

Action: Status Report.

II-B – Purchasing Contract Extensions

A report was presented on the proposed purchasing contract extensions for the first calendar quarter of 2002 (January through March). Mayor Naugle asked if Weekley Asphalt had done the pavers on Broward Boulevard. Mr. Hector Castro, City Engineer, replied that Community Asphalt had done those pavers through a subcontractor.

Mayor Naugle believed a subcontractor, Shenandoah, had been involved in criminal activity on three different occasions by dumping dirty water into the storm system. The company had repeatedly been asked to stop and had failed to do so, and Mayor Naugle did not want any of the City's contractors to use that firm again. In fact, he hoped the County would prosecute the company.

Action: Approved as discussed.

II-C – Annual City Investments Report – Fiscal Year Ended September 30, 2001

A report was presented on the City's investment holdings and activities for the fiscal year ended September 30, 2001. Commissioner Katz asked how this compared with last year. Mr. Damon Adams, Director of Finance, replied that it was a little higher than last year because this year there was a market of falling interest rates.

Action: Approved.

II-D – Tunnel Riverwalk Connector

A report was presented on the proposed Riverwalk Connector, which connects East Las Olas Boulevard to the Riverwalk by way of the Henry E. Kinney Tunnel, Stranahan House and Hyde Park Market property. Mayor Naugle was concerned because mejewels and date palms would be used, while the Riverwalk Guidelines called for the use of native species. Further, this was next to the Stranahan House, and he did not want to import date palms from Arizona for placement next to the City's most historic building. He pointed out that there were four mature sabal palms along the River now.

Commissioner Hutchinson felt the project should adhere to Riverwalk Guidelines. Mr. Pete Sheridan, Engineering Division, said the reason these particular species were being considered was in order to blend the landscaping in with the Riverside Hotel. Mayor Naugle preferred to blend with the Stranahan House instead, and Mr. Sheridan advised that representatives had been involved in the selection of the plant materials. Mayor Naugle pointed out that this was entirely against the Riverwalk Guidelines. Commissioner Smith noted that it was difficult to obtain sabal palms that were as tall as mejewels, and he thought some other variety might achieve the height, like Washingtonians. Mr. Sheridan advised that staff could go back and examine other plants.

Mayor Naugle asked if the four sabal palms along the River could be saved. Mr. Sheridan did not think they could be saved in their existing locations, but staff would examine it. Mayor Naugle pointed out that sabal palms were the State Tree. If there was one place that was historically correct in Fort Lauderdale, Mayor Naugle thought it should be next to Stranahan House.

Commissioner Smith wondered if the portion of Riverwalk behind Hyde Park could be moved ahead now to complete the connection. Mr. Bud Bentley, Assistant City Manager, stated that the owner had offered to construct the connection in that location according to their proposed site plan, and there was a condemnation suit pending. Commissioner Smith thought the owner might be willing to move forward because the condemnation could go on for years. Mayor Naugle saw no harm in presenting the request.

Action: As discussed.

II-E – Coastal Cities Consortium

A report was presented on the proposed formation of a consortium of coastal cities in Broward County for the purpose of gas tax distribution issues.

Action: Approved.

II-G – Proposed Closure of the Marshall Bridge (Southwest 4th/7th Avenue)

A report was presented on the Broward County Highway Division's proposed closure of the Marshall Bridge located on Southwest 4th/7th Avenue for major mechanical overhaul from April 1, 2002 through June 30, 2002.

Commissioner Hutchinson wondered how many more times these bridges would be closed and who had selected pink. Mr. Hector Castro, City Engineer, advised that the Broward County Highway Division had selected the color. As to the schedule, he explained that the County planned to refurbish all its bridges, and this would involved another 90-day period for removal and refurbishment of all the mechanical components.

Commissioner Hutchinson inquired about signage. Mr. Castro advised that there was a traffic plan. Mayor Naugle believed it took a long time because the component had to be removed and shipped elsewhere for refurbishment. He asked if staff was confident that the work would be done in an expedited fashion. Mr. Castro said he had not reviewed the County's contract, but he could do so.

Action: As discussed.

III-B – Advisory Board Vacancies

1. Budget Advisory Board

Mayor Naugle appointed Ken Cooper to the Budget Advisory Board.

Action: Formal action to be taken at Regular Meeting.

2. Community Appearance Board

Commissioner Moore wished to appoint Jack Mertz to the Community Appearance Board, and Commissioner Katz wanted to appoint Francis Lyn. Commissioner Smith appointed Robert Missal.

Action: Formal action to be taken at Regular Meeting.

3. Community Services Board

Action: Deferred.

4. Unsafe Structures and Housing Appeals Board

Action: Deferred.

At 5:55 P.M., the meeting was recessed. It was reconvened at 8:55 P.M.

I-D – Preliminary Five-Year Capital Improvement Plan (CIP) – FY 2001 to 2006

A presentation was scheduled on the City's Capital Improvement Plan (CIP), which included the accelerated recapitalization plan. On October 16, 2001, the City Commission deferred consideration of this item to November 6, 2001.

Commissioner Moore noted that the District III Community Area Plan (CAP) had been addressed, and the CIP could reflect some of the issues raised during the CAP process. However, he did not see a heightened CIP geared toward the CAP recommendations. Mr. Frank Coulter, Chair of the CIP Committee, stated that the Water & Sewer Master Plan contained quite a few dollars. Although it was not specifically shown in the CIP, the sewer project for the Lauderdale Manors area was contained within the first year of the Master Plan. In addition, staff was working on an immediate action plan and a 10-year action plan. He advised that he did not have the details on the implementation at this time, but reports would be presented at the end of this year and in April on those two action plans.

Mayor Naugle desired a breakdown of the geographic areas both by District and by CAP boundaries with regard to water and sewer plans. Mr. Coulter advised an extremely detailed, 10-year plan should be ready by April. He reiterated that money for Lauderdale Manors was included in the first year of the plan, and design work for that project was starting now. Mayor Naugle asked if that included Miami Road and Progresso, and Mr. Coulter replied it did.

Commissioner Moore said his concern was that he did not see CIP projects listed that targeted a community in which the City has gone in and heightened expectations. He did not see any emphasis on those communities, although the sewers represented a major project. Nevertheless, there were a number of issues addressed through the CAP process. Commissioner Moore was concerned that the CIP did not seem to reflect projects anticipated by certain areas as a result of the CAP initiative. He recalled that the community had also expressed a willingness to consider special assessments, and he had not heard any more about that either.

Commissioner Moore referred to CIP projects for the Swimming Hall of Fame, and he wanted to redirect those funds to other projects. Commissioner Smith believed those projects involved the upgrade of the facility, which had to be done whether the entity remained or not. He added that the dollars could be redirected at any time. Mayor Naugle believed those projects were slated for later years, and the only action requested tonight was approval of the CIP for 2001/02.

Commissioner Moore was also concerned that the 7th/9th Avenue Connector project was shown in the 2003/04 CIP year. He felt consideration should be given to pushing that project up, and he complimented staff on the quality of the CIP report presented. Mr. Pete Witschen, Assistant City Manager, advised that the CAP initiative was on track as shown in various Friday memoranda, and a finance plan was scheduled for presentation in January.

Commissioner Hutchinson inquired about the notation in the CIP for this year that referred to lifeguard stands and Riverside Park. Mr. Coulter advised that the money for the lifeguard standards was being transferred back to Riverside Park. Commissioner Smith asked if the lifeguard stands on the beach would be opened up. Mr. Pete Sheridan, Engineering Division, replied that four were open, and staff was working with the contractor on getting the remaining four open by the end of the week. Commissioner Smith asked when the old stands would be removed, and Mr. Sheridan replied that they would be removed as soon as the new stands were open and operational.

Commissioner Smith understood each of the projects would come back to the Commission for specific appropriations. Mr. Coulter agreed the Commission would see the projects again when it was time to actually spend the money. He also advised that staff would present status reports every few months about the progress of the CIP.

Commissioner Katz understood the projects on the accelerated recapitalization priority list would be bonded. Mr. Coulter agreed that was correct. Commissioner Katz inquired about the Police Department gun range. She wondered why that was not being funded with the Police Department budget. Mr. Coulter advised that the Police Department had no budget for capital improvements. He noted that all capital improvements were included in the CIP, whether the projects involved police, fire or any project not contained in an Enterprise Fund.

Commissioner Katz questioned the priority of certain projects. For example, she was not sure ocean buoys were a Commission priority. Mr. Sheridan explained that the buoys were falling apart. He stated that they were regularly inspected, and staff did not expect the existing buoys to last beyond the year. The City Manager felt the CIP had been kept artificially low for a number of years in order to limit expenditures, so various needs had accumulated. Mr. Castro said that he had gone diving to inspect the 57 vessel-exclusion buoys, which deteriorated due to wave action and salt water. He noted that the Commission could choose not to provide the buoys, and they could be eliminated from the priority list. Mr. Castro added that the buoys had a life of about five years.

Mayor Naugle pointed out that the buoys were installed in order to separate boaters from swimmers for safety purposes. Mr. Sheridan advised that the navigational signs were required. Commissioner Katz felt this sort of thing should be budgeted rather than putting everything into the CIP. Referring to the 2002/03 CIP, Commissioner Katz did not feel neighborhood guardhouse entry features were a CIP priority. Mayor Naugle was concerned that regular budgeting of these types of things would result in replacement of infrastructure before it was truly necessary. Commissioner Katz wondered if there were grant funds available for the buoys rather than bonding these types of regular maintenance. Commissioner Smith thought the message was that the Commission would go along with these things somewhat reluctantly and intended to scrutinize each and every expenditure. Mr. Coulter reiterated staff's intention to make progress reports on the CIP on a frequent basis.

Commissioner Katz understood there was \$350,000 and \$100,000 planned for the NCIP and BCIP, respectively, in the 2001/02 CIP. She wondered if those amounts reflected a Commission decision because she thought the City needed the "cake" before the "icing." Mr. Coulter advised those figures were the last direction he had received from the Commission. Commissioner Katz pointed out that circumstances had changed since September 11, 2001, and the City might not be realizing all the revenues that had been expected. Mr. Witschen stated that the Economic Development Advisory Board would provide recommendations with regard to the BCIP in December. He added that the NCIP would be presented specifically to the Commission in February. Mayor Naugle noted that the Commission could certainly review these matters next year.

Commissioner Katz pointed out that \$1 million had been included for street resurfacing, and she wondered if any funds were being earmarked for mass transit. Mr. Coulter clarified that the \$1 million was for street resurfacing every 17 years. He advised that if money was removed from this area, street repaving would have to be cut back from that schedule. Mayor Naugle understood that if \$1 million was spent on this each year, all the streets would be repaved every 17 years. Mr. Coulter agreed that was correct.

Commissioner Katz referred to page 8 with respect to the gas tax money. Mr. Coulter advised this involved the same \$1 million just discussed. He explained that the first page of each section was a summary of the eight pages behind each, which provided details. Commissioner Katz referred to improvements on Northeast 18th Avenue. Mr. Coulter said that as the project progressed, the challenge of the CIP Committee would be to try to include it next year. Commissioner Katz inquired about the Heliport Noise Impact Study. She understood there was grant funding, but she wondered how many people actually used the Heliport. Mr. Bill Crouch, Airport Manager, stated that the Heliport was not open yet, but this had been included in anticipation of it opening at the end of the year. He noted that it was scheduled for a couple of years into the future.

Commissioner Hutchinson understood all the projects in the CIP would come back to the Commission when award of the work was contemplated. She advised that beach restrooms had been a big issue. Mr. Sheridan said he was hoping to present an item at the next meeting to move forward with a design/build contract for the restrooms. Commissioner Hutchinson inquired about the Sailboat Bend seawall. Mr. Sheridan stated that a portion of the seawall had already failed, so that part would be addressed this year with a second phase of the work in the future.

Commissioner Hutchinson asked if the sign post had been installed at Colee Hammock. Mr. Castro did not know but said he could get the information tomorrow.

The City Manager wished to take this opportunity to thank Mr. Coulter for handling the CIP over the past eight years. He noted that it had been a difficult challenge, and Mr. Coulter's efforts were greatly appreciated.

Action: Approved as discussed. Formal action to be taken at next meeting.

I-G – Performance Evaluations – City Attorney, City Clerk and City Manager

The City Commission was scheduled to evaluate the performances of the City Attorney, the City Clerk and the City Manager. Mayor Naugle believed each Commissioner had met with these individuals as necessary.

Commissioner Katz said that she had provided detailed comments individually, but she wanted to note that she was pleased with many of the initiatives the City Manager had pursued this year. However, she was disappointed that he had not moved more quickly on the discrimination issues. Commissioner Katz was hopeful this problem could be addressed more quickly now that the problem had been realized.

Commissioner Smith said he'd had productive and thorough discussions with all three of these individuals. He felt things in his district were moving in the right direction, and the City Manager had produced the results he had been seeking last year when he had issued certain challenges. He had levied some additional challenges this year, and he felt the City Commission and management were a good team.

Commissioner Hutchinson had also spoken with these three individuals, and she hoped the steps taken to address discrimination problems would be applauded at this time next year.

Commissioner Moore had met with the City Manager, the City Attorney and the City Clerk. He felt all three were exemplary employees with professionalism second to none. He had observed a great deal of effort made to address discrimination problems, and he acknowledged how difficult it was to "fight a ghost." Commissioner Moore was particularly pleased with the progress made in terms of the CRA, and the Water & Sewer Plan represented an enormous commitment. He also noted that each of these individuals had suggested to him that they not receive pay raises in light of the recent changes in the economy. Commissioner Moore found that offer admirable, and he rated all three as 10 on a scale of 1 to 10. He also felt the City Manager had consistently performed with integrity.

Mayor Naugle agreed it was generous of the City Manager, the City Attorney and the City Clerk to suggest they not receive raises. However, he felt a 4% raise should be forced for the City Clerk in order to keep her compensation within the top 100 City employees. Commissioner Hutchinson made that motion, but it died for lack of a second.

Action: As discussed.

IV – City Commission Reports

1. Second Galt Ocean Mile Charette

Commissioner Katz reported that a second Galt Ocean Mile Charette had been held recently. She advised that the merchants association had reorganized to address some projects within the community as well as a master plan for the area.

Action: None.

2. Marine Advisory Board

Commissioner Katz had read the Broward County Marine Advisory Committee's (BCMAC) minutes recently, and she had noticed that a member of the City's Marine Advisory Board had made a comment she considered inappropriate. She explained that Mr. Gartner had commented that the City did not see dock rentals as a big problem, and that there was no intent on the part of the City to stop people from renting private docks. Commissioner Katz said that was not her feeling, and she did not know if the Marine Advisory Board had given Mr. Gartner license to make that comment.

Mayor Naugle asked that the City Clerk send a copy of the BCMAC minutes. He pointed out that the City did not make any efforts in this regard, although he thought it might be in order. Commissioner Katz did not believe the City had made a decision in this regard.

Action: As discussed.

3. Bikeways on A-1-A

Commissioner Katz had received a request from Art Seitz for a letter to the County and the MPO to formally request some assistance in obtaining a bikeway on A-1-A. Mayor Naugle thought it would be a good idea to pursue. Commissioner Hutchinson agreed. Commissioner Smith thought there was a bike lane on A-1-A. Mayor Naugle advised there was a missing section from Oakland Park Boulevard to the Mark 2100 only.

Commissioner Smith preferred that Mr. Seitz submit a plan if he had one detailed. He pointed out that there was only so much space on A-1-A, and he had never received a "square answer" from Mr. Seitz about exactly what he wanted in particular. Commissioner Katz thought he wanted the bike lane to be wider. Commissioner Smith recalled an attempt to widen the promenade some years ago, but the Florida Department of Transportation had not allowed it. He felt that if Mr. Seitz had a plan, it should be submitted for review before pursuing it further.

Mayor Naugle said he had tried to get Mr. Seitz appointed to the Community Involvement Roundtable, but it had not gone through yet, and he was not clear on who made those appointments. Commissioner Katz said she had investigated a little, and Mark Horowitz had indicated Mr. Seitz had some legitimate ideas that should be followed up. Commissioner Smith preferred to meet with Mr. Horowitz. Commissioner Hutchinson suggested that Mr. Horowitz be invited to a Conference meeting. It was agreed. Commissioner Katz wanted to see something provided on the west side of the road, north of Sunrise Boulevard.

Action: Conference item to be scheduled as discussed.

4. Police Raid at Northwest 15th Avenue and 6th Street

Commissioner Moore wanted to thank the Police Department for the recent raid at Northwest 15th Avenue and 6th Street. He wondered if the operation could now be closed in light of the criminal offenses that had been taking place in this location.

Action: None.

5. Code Team

Commissioner Moore referred to the Little Green Store at Northwest 23rd Avenue and Sistrunk Boulevard. He stated that it was open 24 hours a day, and he wanted the same attention paid to this location as had been paid to the operation at 15th Avenue. In fact, he wanted a Code Team that functioned with the same vigor as the one that had existed in the past. Mr. Witschen suggested that staff be permitted to provide a report about Code Team activities at an upcoming Conference meeting. He wanted to ensure that the Code Team's priorities mirrored those of the City Commission. It was agreed.

Action: Subject to be placed on Conference agenda.

6. Police Department

Commissioner Smith said there had been a flare up in some neighborhoods involving drug dealers, and he wanted to thank the Police Department for its action plans in certain areas. He had also noticed that there had been 12 new Police Department hires this month. Commissioner Smith noted that the Police and Fire Department had recently held a charity basketball game, and \$4,000 had been raised.

Action: None.

7. Beach Renourishment

Commissioner Smith was concerned about recent newspaper reports about possibly bypassing important parts of this community in terms of beach renourishment. He reported that waves had been crashing onto the roadway at high tide during the most recent storm. He had never seen that before, and some of the areas on the beach were very thin, particularly between 14th and 17th Streets. Commissioner Smith thought the City would have to take a very proactive approach to this issue.

Mayor Naugle thought Fort Lauderdale was in pretty good shape in terms of getting what was necessary from what he had heard. He noted that every ounce of sand placed at the north end of the beach would migrate to the south. Mayor Naugle believed the City could get most of what it needed now, and he did not want to delay anything. Commissioner Smith requested a Friday memo in this regard, and he added that the sea oats did appear to be protecting the beach where they were planted.

Action: As discussed.

8. Downtown Council

Commissioner Hutchinson reported that the Downtown Council would be hosting a "benchmarking" trip this Friday. She stated that the trip would involve a TriRail trip to West Palm Beach, and she planned to attend.

Action: None.

9. Staff Design Workshop

Commissioner Moore thought the recent staff design workshop had been very interesting.

Action: None.

10. Brick Pavers on Bayview Drive

Mayor Naugle said that he had received a complaint in July about the brick pavers south of Commercial Boulevard and just north of Oakland Park Boulevard on Bayview Drive. He understood they were collapsing and needed replacement. He had just received a response in November, but he wondered if this was the same design that had been used downtown on Broward Boulevard. Mayor Naugle wanted to determine the problem on Bayview Drive before accepting the pavers on Broward Boulevard.

Mr. Hector Castro, City Engineer, advised that staff had been studying the paver failures on Bayview Drive and on Las Olas Boulevard. There had been two different kinds of failures – one due to traffic volume, and the other due to impact loading from trucks. He advised that the design on Broward Boulevard was not the same as in other locations, and a repair method had been devised through the use of flowable fill or asphalt beneath the pavers.

Action: As discussed.

11. Historic Structures/Gypsy Graves' House

Mayor Naugle referred to a property at 1115 North Rio Vista Boulevard, which he understood might be demolished. He noted that the City had an ordinance that allowed consideration of the historic value of a structure, and he felt this building might be worthy of consideration. Mayor Naugle wanted the Historic Preservation Board to consider this house, which had been formerly owned by Gypsy Graves.

The City Attorney did not believe a demolition permit application had been submitted yet, so the emergency provision of the Code was not necessary. He stated that the City Commission could direct that the City be an applicant and initiate a process of review to determine if this structure merited historic designation. The City Attorney said that if a demolition permit application was submitted, the City Commission should be informed so it could call an emergency meeting to initiate the process. In the alternative, the Commission could authorize staff to make application at this time. That was Mayor Naugle's preference. He pointed out that property rights were very important, but he was concerned about preserving potentially historic properties.

Commissioner Smith supported Mayor Naugle's idea, although he hoped the City would reach a point where it was not just reacting to these matters when plans were submitted to address certain buildings. He thought there should be another Conference discussion about taking a proactive stance with regard to historic properties.

Mayor Naugle recalled that notices had been mailed out about five years ago to owners of homes that were older than a certain age. At that time, the process had been dropped, and a decision had been made to consider the properties on a case-by-case basis as warranted. Commissioner Smith thought the Commission should take a look at the inventory and perhaps reconsider that position. Commissioner Moore had no objection to submitting an application with respect to this particular property.

Mayor Naugle thought the Commission should request a recommendation from the Historic Preservation Board with respect to the policies relating to historic structures. He also felt zoning in progress should be considered. Commissioner Smith thought the City would have to hire someone to address these issues.

Action: As discussed.

12. Full Time City Attorney

Mayor Naugle wondered if there was any support for a discussion about employing a full-time City Attorney. Although he felt the City had a fine City Attorney, he thought some consideration should be given to having someone without ties to an outside law firm. Commissioner Smith said he had done a bit of investigation in this regard, and he believed Fort Lauderdale had the best situation possible now. Commissioner Katz noted that several cities had part-time City Attorneys.

Commissioner Hutchinson had no objection to discussing the subject. Commissioner Moore was extremely pleased with the current City attorney. The City Manager advised that he could prepare a comparative analysis about how other communities handled this work, and it was the consensus of have a Conference discussion on the matter.

Action: Subject to be placed on Conference agenda.

V – City Manager Reports

1. Special Counsel Sue Delegal

The City Manager reported that the Special Counsel, Sue Delegal, had already assisted him in terms of personnel issues. He advised that there had been an allegation about personnel records, and he distributed the results of his investigation. The City Manager felt the allegations had been without merit. He said Mayor Naugle had suggested a note in personnel files indicating that additional records might also be found in other locations, and he felt that recommendation should be followed.

Mayor Naugle inquired about the cost of the Special Counsel for this purpose. The City Manager did not think the cost would exceed \$5,000, but it had been necessary to move swiftly.

Action: None.

Meeting adjourned at 10:27 P.M.

NOTE: A MECHANICAL RECORDING HAS BEEN MADE OF THE FOREGOING PROCEEDINGS, OF WHICH THESE MINUTES ARE A PART, AND IS ON FILE IN THE OFFICE OF THE CITY CLERK FOR A PERIOD OF TWO YEARS.